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Teva Pharmaceuticals, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**AXSOME THERAPEUTICS, INC. and ANTECIP
BIOVENTURES II LLC,**

Plaintiffs,

v.

TEVA PHARMACEUTICALS, INC.,

Defendant.

Civil Action No. 23-01695
(MEF)(LDW)
Civil Action No. 23-23142
(MEF)(LDW)
(consolidated)

(Filed Electronically)

ORDER CONSOLIDATING CASES FOR ALL PURPOSES

WHEREAS, Plaintiffs Axsome Therapeutics, Inc. (“Axsome”) and Antecip Bioventures II LLC (“Antecip” and, collectively with Axsome, “Plaintiffs”), filed Civil Action No. 23-01695 in this Judicial District against Defendant Teva Pharmaceuticals, Inc. (“Teva”) on March 24, 2023;

WHEREAS, Plaintiffs filed the related Civil Action No. 23-23142 in this Judicial District against Teva on December 15, 2023;

WHEREAS, Teva hereby acknowledges its acceptance of service of the complaint in Civil Action No. 23-23142;

WHEREAS, by agreement of the parties, Teva answered the complaint in Civil Action No. 23-23142 on January 18, 2024 (*see* ECF No. 11 in Civil Action No. 23-23142);

WHEREAS, Plaintiffs and Teva jointly request that Civil Action Nos. 23-01695 and 23-23142 be consolidated;

IT IS on this 23rd day of February, 2024,

ORDERED that Civil Action Nos. 23-01695 and 23-23142 (the “Consolidated Actions”) are consolidated for all purposes, including discovery, case management, and trial, subject to further order of the Court;

IT IS FURTHER ORDERED that all filings in the Consolidated Actions shall use the above caption on this Order;

IT IS FURTHER ORDERED that all filings going forward shall be filed in Civil Action No. 23-01695 and that Civil Action No. 23-23142 shall be administratively terminated by the Clerk’s office;

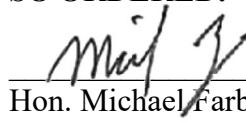
IT IS FURTHER ORDERED that the January 19, 2024 Letter Order setting the Initial Conference in Civil Action No. 23-23142 (ECF No. 13) is hereby vacated; and

IT IS FURTHER ORDERED that the Consolidated Actions shall proceed on the following amended schedule:

<u>Event</u>	<u>Deadline</u>
Plaintiffs’ Answer to Counterclaims (’518, ’706, ’144 Patents Only)	February 15, 2024
Plaintiffs’ Disclosure of Asserted Claims under L. Pat. R. 3.6(b) (’518, ’706, ’144 Patents Only)	February 29, 2024
Defendants’ disclosure of Non-Infringement and Invalidity Contentions under L. Pat. R. 3.6(c)-(f) (’518, ’706, ’144 Patents Only)	April 11, 2024

<u>Event</u>	<u>Deadline</u>
Plaintiffs' disclosure of Infringement Contentions and Responses to Invalidity Contentions under L. Pat. R. 3.6(g)-(i) ('518, '706, '144 Patents Only)	June 17, 2024
Joint exchange of proposed claim terms under L. Pat. R. 4.1 (All Patents)	June 28, 2024
Preliminary proposed constructions and identification of intrinsic evidence under L. Pat. R. 4.2(a)-(b) (All Patents)	July 11, 2024
Joint exchange of all intrinsic and extrinsic evidence under L. Pat. R. 4.2(c) (All Patents)	July 26, 2024
Joint Claim Construction and Prehearing Statement under L. Pat. R. 4.3(a)-(e) (All Patents)	August 14, 2024
Close of Fact Discovery for Claim Construction (All Patents)	August 29, 2024
Opening Claim Construction Briefs (All Patents)	September 20, 2024
Close of Expert Discovery for Claim Construction (All Patents)	October 18, 2024
Responsive Claim Construction Briefs (All Patents)	November 15, 2024
Proposed schedule for <i>Markman</i> hearing due to Court	December 6, 2025
Close of Fact Discovery	February 7, 2025

SO ORDERED.



Hon. Michael Farbiarz, U.S.D.J.